

APPELLANT'S MOTION FOR SUMMARY JUDGEMENT FOR FAILURE TO
FILE A RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jan 10 2024

SC Court of Appeals

Appeal from the Administrative Law Court
Milton G. Kimpson, Judge
Docket No. 21-ALJ-07-0144-CC

Appellate Case No. 2023-000441

South Carolina DHEC

Respondent

v.

Stephen Mueller, Pro Se

Appellant

Bradley Curdar, SCDHEC

Bradley D. Churdar, Esquire

SCDHEC

1362 McMillan Avenue, Suite 400 Columbia, SC 29201 Office: 843.953.0213 Mobile:843.718.5685

Fax: 843.953.0201 Email: churdabd@dhec.sc.gov

Attorneys for the Respondent, SCDHEC

ARGUMENT

Appellant is moving for summary judgement to order the SCDHEC to revoke the building permit OCRM02808 for 410 Palmetto Blvd. The Respondent has not filed a Record on Appeal in a timely manner and has not produced any evidence in fact or law supporting their position. Rule 260(a) asserts that when a Respondent fails to comply with the rules of the Court of Appeals the clerk shall order in favor of the Appellant. As the SCDHEC has not filed a timely Record on Appeal or a final brief in compliance with Rule 211, I seek an order for summary judgement in my favor.

Stephen Mueller, 407 Palmetto Blvd. 29483